

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

-----)
In the Matter of)

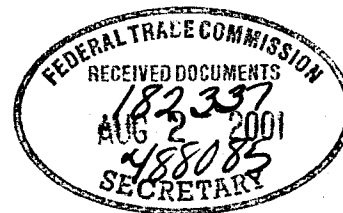
Schering-Plough Corporation,)
a corporation,)

Upsher-Smith Laboratories,)
a corporation,)

and)

American Home Products Corporation,)
a corporation.)
-----)

Docket No. 9297



**JOINT MOTION FOR EXTENSION OF TIME TO RESPOND TO
RESPONDENT AMERICAN HOME PRODUCTS CORPORATION'S
MOTION TO COMPEL COMPLAINT COUNSEL TO SEARCH THE FEDERAL
TRADE COMMISSION FOR RESPONSIVE DOCUMENTS**

Pursuant to Rule 3.22(d) of the Federal Trade Commission's Rules of Practice, non-parties Andrx Pharmaceuticals, Inc. and Aventis Pharmaceuticals Inc. hereby move for an extension of time to respond to American Home Product's motion to compel Complaint Counsel from producing to respondent American Home Products documents and materials produced by Andrx Pharmaceuticals Inc and Aventis Pharmaceuticals Inc. in *In the Matter of Hoechst Marion Roussel, Inc.* Docket Number 9293.


On June 1, 2001, Respondent American Home Products filed a document request with Complaint Counsel in the above-referenced matter seeking the production of certain documents from the Federal Trade Commission, which were produced by parties and third parties in *In the Matter of Hoechst Marion Roussel, Inc.* Docket No. 9392. On or about July 25, 2001, non-parties Andrx Pharmaceuticals, Inc. and Aventis Pharmaceuticals Inc. received copies of Respondent AHP's July 23, 2001 Motion to

Compel, which also contained a copy of the original documents request, Complaint Counsel's Objections and Responses dated June 25, 2001, as well as the other documents filed by Respondent American Home Products in support of its motion.

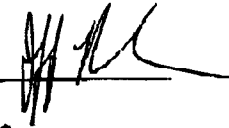
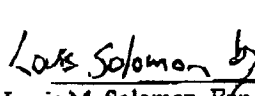
Although American Home Products and the FTC have been discussing the documents discovery request since early June with respect to documents which are the property of Aventis and Andrx, counsel for Aventis and Andrx could not meaningfully review either AHP's Motion to Compel or the First Set of Document Requests from American Home Products until this week. Aventis and Andrx request that Your Honor grant Aventis and Andrx an additional week to respond to AHP's motion and order a response by August 9, 2001.

Dated: August 1, 2001

Respectfully submitted,



James M. Spears, Esq.
Jeffrey Pearlman, Esq.
Ropes & Gray
1301 K Street, N.W.
Suite 800 East
Washington, DC 20005
(202) 626-3981
Attorneys for Aventis Pharmaceuticals Inc.



Louis M. Solomon, Esq.
Colin A. Underwood, Esq.
Solomon, Zauderer, Ellenhorn, Frischer &
Sharp
45 Rockefeller Plaza
7th Floor
New York, New York 10111
(212) 956-3700
Attorneys for Andrx Pharmaceuticals, Inc.

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

In the Matter of)
)

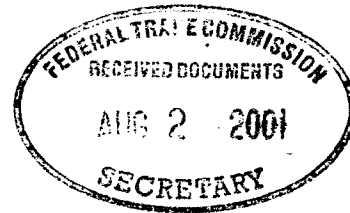
Schering-Plough Corporation,
a corporation,)
)

Upsher-Smith Laboratories,
a corporation,)
)

and)
)

American Home Products Corporation,
a corporation.)
-----)

Docket No. 9297



AFFIDAVIT

I, James M. Spears, hereby state as follows:

1. That on or about July 25, 2001, we, as Counsel for Aventis Pharmaceuticals Inc., received a copy of the Respondent American Home Products Corporation's Motion to Compel Discovery in the above referenced matter; and
2. That although it appears that the document request has been pending before the Commission since June 1, 2001, we first received copies of the underlying request on or about July 25, 2001; and
3. Upon information and belief, it is our understanding that Complaint Counsel's response to American Home Products Corporation Motion to Compel is due on August 2, 2001; and
4. The documents sought in the Motion to Compel are subject to the Protective Order Governing Discovery Material, *In the Matter of Hoechst Marion Roussel, Inc., Cardem Capital L.P., and Anulrx Corp.*, FTC Docket No. 9293 (April 28, 2000); and

5. Aventis Pharmaceutical wishes to be heard and that we have not yet had an opportunity to prepare and coordinate a response with our client; and
6. I have discussed this with Counsel for Andrex, Louis Solomon, who indicated that he received a comparable package from Complaint Counsel on or about the same date, and that Andrex would be amenable to developing a coordinated response to the motion.

Dated: August 1, 2001


James M. Spears

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

-----)
In the Matter of)

Schering-Plough Corporation,
a corporation,)

) Docket No. 9297
)

Upsher-Smith Laboratories,
a corporation,)

and)

American Home Products Corporation,
a corporation.)
-----)

CERTIFICATE OF SERVICE

I, James M. Spears, hereby certify that on August 1, 2001, I caused a true and correct copy of JOINT MOTION FOR EXTENSION OF TIME TO RESPOND TO RESPONDENT AMERICAN HOME PRODUCTS CORPORATION'S MOTION TO COMPEL COMPLAINT COUNSEL TO SEARCH THE FEDERAL TRADE COMMISSION FOR RESPONSIVE DOCUMENTS to be served upon the following persons by hand delivery and facsimile:

Hon. D. Michael Chappell
Administrative Law Judge
Federal Trade Commission
Room 104
600 Pennsylvania Avenue, N.W.
Washington, DC 20580 (2 copies)

Office of the Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, N.W.
Washington, DC 20580 (1 copy)

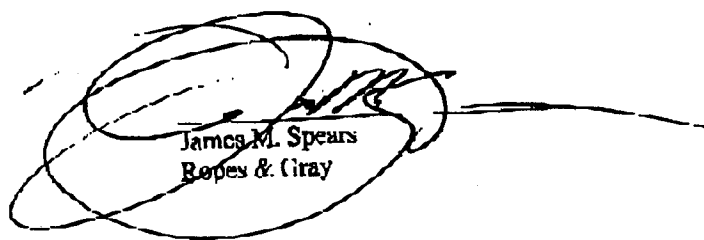
Richard A. Feinstein
Assistant Director, Bureau of Competition
Federal Trade Commission
Room 3114
601 Pennsylvania Avenue, N.W.
Washington, DC 20580

Karen G. Bokor
Federal Trade Commission
601 Pennsylvania Avenue, N.W.
Room 3115
Washington, DC 20580
Fax (202) 326-3384

Robert Paul
Christopher Curran
White & Case LLP
601 Thirteenth Street, N.W.
Washington, DC 20005
Fax (202) 639-9355

Laura S. Shores
Howrey Simon Arnold & White LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
Fax (202) 383-6610

Michael N. Sohn
Cathy A. Hoffman
David M. Orta
Barbara H. Wootton
Arnold & Porter
555 Twelfth Street, N.W.
Washington, DC 20004
Fax (202) 942-5999



James M. Spears
Ropes & Gray

ROPES & GRAY
ONE FRANKLIN SQUARE
1301 K STREET, NW
SUITE 800 EAST
WASHINGTON, DC 20005-3333
PHONE: (202) 626-3900
FAX: (202) 626-3961

FAX TRANSMITTAL LETTER

Total Number of pages including this transmittal letter: 7

<u>Name</u>	<u>Firm/Company</u>	<u>FAX No.</u>	<u>Phone Number</u>
The Hon. D. Michael Chappell	Federal Trade Commission	(202) 326-2427	(202) 326-3632
Michael N. Sohn	Arnold & Porter	(202) 942-5999	
Laura S. Shores	Howrey, Simon, Arnold & White LLP	(202) 383-6610	
Robert Paul	White & Case LLP	(202) 639-9355	
Karen G. Bokor	Federal Trade Commission	(202) 326-3384	
Richard A. Feinstein	Federal Trade Commission	(202) 326-3884	(202) 326-3688
Donald S. Clark	Federal Trade Commission	(202) 326-2496	(202) 326-2514
Office of the Secretary			

FROM: James M. Spears

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL IMMEDIATELY AT:

(202) 626-3900

IMPORTANT: PLEASE DELIVER THIS DOCUMENT IMMEDIATELY!

COMPLETE WHEN SUBMITTING TO FAX DEPARTMENT

Date: August 1, 2001

Time: 6:58 PM

File Symbol: AVP-002

Personal ID Number: 28428

Submitted By: James M. Spears

Phone: (202) 626-3981

Comments:

THIS DOCUMENT IS INTENDED ONLY FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED. IT MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If you are not the intended recipient, any dissemination, distribution, copying or use of this document is strictly prohibited. If you have received this communication in error, please notify us by telephone (Collect:(202) 626-3900) to arrange for the destruction or return of the original document to us.